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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q88645

Yoshiyuki FUKUMOTO, et al.

Appln. No.: 10/539,373

Group Art Unit: 2627

Confirmation No.: 4607

Examiner: Allen J. HEINZ

Filed: June 16, 2005

For: MAGNETIC TUNNEL DEVICE AND MAGNETIC MEMORY USING SAME

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. International Patent Application Publication No. 01/71735, published September 27, 2001.
2. Japanese Patent Application Publication No. 10-65232, published March 6, 1998 (previously submitted in the Information Disclosure Statement filed December 7, 2005).
3. Japanese Patent Application Publication No. 2003-324187, published November 14, 2003.
4. Japanese Patent Application Publication No. 2004-519859, published July 2, 2004.

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INFORMATION DISCLOSURE STATEMENT

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5. Japanese Patent Application Publication No. 2002-158381, published May 31, 2002.
6. Japanese Patent Application Publication No. 2001-237471, published August 31, 2001.
7. Japanese Patent Application Publication No. 10-269532, published October 9, 1998.
8. Japanese Patent Application Publication No. 2001-84756, published March 30, 2001.
9. Japanese Patent Application Publication No. 2002-163810, published June 7, 2002.
10. Japanese Patent Application Publication No. 2002-25013, published January 25, 2002.
11. Japanese Patent Application Publication No. 2-195284, published August 1, 1990.

One copy of each of the listed documents is submitted herewith, except for those indicated as previously submitted.

The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore Applicant is filing concurrently herewith a Statement Under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Japanese Office Action (issued in the corresponding Japanese Patent Application of related United States Patent Application No. 10/697,124), dated November 27, 2006, and an English translation of the pertinent portions thereof which cites such documents and indicates the degree for relevance found by the foreign office.

INFORMATION DISCLOSURE STATEMENT

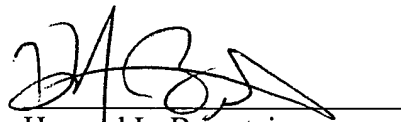
U.S. Appln. No.: 10/539,373

Atty. Docket No.: Q88645

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Howard L. Bernstein  
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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: January 23, 2007



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**STATEMENT UNDER 37 C.F.R. § 1.97(e)**

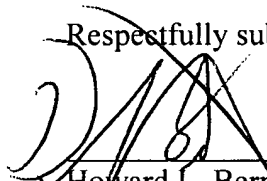
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement, except for those indicated as previously submitted.

Respectfully submitted,

  
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Substitute for Form 1449 A &amp; B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Application Number	10/539,373
Confirmation Number	4607
Filing Date	June 16, 2005
First Named Inventor	Yoshiyuki FUKUMOTO
Art Unit	2627
Examiner Name	Allen J. HEINZ
Attorney Docket Number	Q88645

Sheet 1 of 1

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		
		US			
		US			
		US			
		US			
		US			
		US			
		US			
		US			
		US			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		WO	01/71735	A1	09-27-2001	Motorola, Inc.	
		JP	2003-324187	A	11-14-2003		
		JP	2004-519859	A	07-02-2004		
		JP	2002-158381	A	05-31-2002		
		JP	2001-237471	A	08-31-2001		
		JP	10-269532	A	10-09-1998		
		JP	2001-84756	A	03-30-2001		
		JP	2002-163810	A	06-07-2002		
		JP	2002-25013	A	01-25-2002		
		JP	2-195284	A	08-01-1990		

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to indicate here if English language Translation is attached.